

**MINUTES**  
**Cedar Valley Distribution System**  
**February 17, 2009**  
**7:00 P.M.**

**THOSE PRESENT:** Paul Nelson, Earl Gibson, Pug Urie, Sam Bauer, Debbie Bauer, Brent Jones, Chairman, Lee Sim, Mike Silva, Nathan Moses, and Kurt Vest.

This meeting was called to order by Chairman Brent Jones. He asked Lee Sim from the State to introduce those who were present from the State. He introduced Mike Silva from his office who works with our system and also Kurt Vest and Nate Moses from the Cedar City office. Brent then asked Paul Nelson to read the Minutes of the 2008 meeting. He then called for a motion to approve the Minutes. Sam Bauer moved to accept the 2008 Minutes, Earl Gibson seconded; Minutes approved as read.

Brent then asked Water Commissioner Sam Bauer to present the 2008 Commissioner's Report. Sam reported that the flow in Coal Creek was above average for the 2008 summer. The water peaked around May 22<sup>nd</sup>. The new diversion which the City installed for five of the irrigation companies did not function properly, and after weeks of trying different ideas that did not solve the problem, the five companies chose a representative to consult with a lawyer. Sam appeared before the Cedar City Council and advised them of the problems with the new system and told them that the companies were losing their water. City Engineer Kit Wareham confirmed what Sam had said, and the Council instructed Mr. Wareham to fix the problem. Four of the irrigation companies lost around 50% of their water rights during the spring runoff. The diversion is being rebuilt at this time (January and February, 2009) in hopes that the system will work during high flows. The new system will need some labor at the start of the season and after the high flow is gone. We will need to install and remove boards across the creek channel. The new system is taking a lot of time to flush out the sand and rocks, but this should be cut down with modification. The settling pond is still too small to slow down the water enough to let the sand drop out as we were told it would do. When the floods came, the grate would plug off fast, and for the most part, kept the bad water out of the irrigation ditches.

The Commissioner has one four drawer filing cabinet in his possession. Brent then called for a motion to accept the 2008 Commissioner's Report. Earl moved for acceptance; Pug seconded; motion carried.

Brent noted that we need to recommend someone to serve as Water Commissioner for a four year term. He asked Sam if he would be willing to serve in that capacity for another term. He indicated that he would, although the job was very difficult

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last year. Paul then nominated Sam Bauer to serve as Water Commissioner for a four year term; Earl Gibson seconded; motion carried.

Brent then asked Lee Sim to present the report from the State Division of Water Rights. Lee reported that Jerry Olds had retired as the State Water Engineer in December, and Kent Jones has been appointed by the Governor and approved by the Senate to be the State Water Engineer for four years. Lee commented that they are looking forward to working with him. Lee then asked Mike Silva to comment. Mike commended Sam for the job that he did with the new system and indicated that Sam had put in a lot of hard work. On another matter, Mike said that they still need to make some changes in the roster and that it has not been updated with some new names. He said that they will work to get that done. Brent asked that if the new system doesn't work this year, what recourse do we have? Paul commented that John Esplin had presented some ideas about the settling pond, but they were not implemented. That project needs to be done right. He then asked if the State could put pressure on the City to get it done right, and Lee said that the State does not have any authority in those kinds of things. Brent said that we need to keep on top of this matter.

The 2008 Financial Report was then discussed. The beginning balance January 1, 2008, was \$10,074.40. We had \$7,802.88 in receipts, with total expenditures of \$9,191.95. Our ending balance December 31, 2008 was \$8,685.33. Brent called for a motion to accept the Financial Report. Sam moved for approval of the 2008 Financial Report; Debbie Bauer seconded; motion carried.

The delinquent assessments were then discussed. Some contact changes discussed last year had not been made. The delinquencies are up about \$240.00 from last year. Brent will try and contact the people involved within the next week to ten days.

The 2009 Budget of salaries and other necessary expenses was then discussed. The State Engineer Assessment will remain at \$630.00, and Sam indicated that he anticipated his expenses would remain the same. The Miscellaneous Expenses category can be reduced to \$200.00, and all other expenses should remain the same. Sam moved that the budget for 2009 be set at \$9,352.00; Earl seconded. Motion carried. Paul then moved that the total distribution assessment be set at \$9,000.00; Sam seconded; motion carried.

Brent said that a Chairman and two Board Members need to be elected for 2009. Sam moved that we suspend the rules and retain the current Chair and Board Members, which are Brent Jones, Chairman, with Paul Nelson and Ramon Prestwich as Board Members; Earl seconded; motion carried.

**Brent then asked if there was any other business to come before the group. Lee said that following last year's meeting, they had a discussion relative to pumpers in the valley. The State is not regulating those users at this time. He asked if the State should temporarily suspend the assessment for ground water users. After lengthy discussion, Lee said that they will continue to assess those users as they are presently doing. Pug commented that at some point, we will have to tackle that problem. On another matter, Paul said that the snow pack on Cedar Mountain is up 130%.**

**Brent then called for a motion to adjourn. Sam so moved; Paul seconded. Meeting adjourned at 8:05 P.M.**